

### Pitfalls of parliamentary democracy in Botswana

Sebudubudu, David; Osei-Hwedie, Bertha Z.

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Botswana's multiparty democracy has been portrayed by various scholars as a shining example of a living democracy in Africa. This is primarily because of relatively free and fair elections, political tolerance, multiparty competition, the rule of law and universal franchise. These elements qualify Botswana as a liberal democracy (Holm 1996, Doorenspleet 2003, Molomo 2003). Doorenspleet (2003: 171) rightly points out that 'till the recent democratization wave, Botswana was the democratic exception on the continent and can be considered the "senior" democracy in Africa'. However, in spite of such positive observations, there are several limits to Botswana's democracy. The paper, therefore, attempts to identify some of the major pitfalls of Botswana's parliamentary democracy. It argues that democracy has more meaning when there are checks and balances between parliamentary opposition and government organs, including the bureaucracy due to the important policy making role as advisers to the executive, and between the government and civil society associations because of the latter's dependence on government finances and external assistance, especially in the developing countries. Currently, checks and balances are largely of little effect in Botswana. More important, weaknesses of parliament and civil society in particular are highlighted.

Democratic governance that emphasizes 'democratic politics' (Leftwich 1996: 16) forms the theoretical framework of liberal democracy in the paper. The focus is on the political interpretation of democratic governance by Leftwich (1996) and amplified by Hout (2003) that highlights political and legal aspects of the political system, specifically procedures and institutions that subject decision-makers to effective popular control (Arat 1991).

These include a legal system that protects rights and freedoms of citizens, competitive democratic politics based on multiparty, democratic rules and procedures, free public and private press and active civil society. Such a definition of liberal democracy paves the way for examination of the role of parliament, political parties, bureaucracy, civil society, media and judiciary in the political process. These institutions are the basis of democratic politics with political parties not only forming the government and checking each other, but aggregating the interests of society, a role shared with civil society organizations.

Parliament is expected to be the voice and protector of general interests of constituents, and an overseer of the executive. Wallis (1989: 28) states that in 'parliamentary democracy, parliament's functions include representation of voters, mechanism through which governments can be formed and controller of government performance'. But he concedes that 'the practice ... has deviated substantially from theory in many cases ... these deviations have meant that parliament is not a very effective means of controlling government performance'. Botswana is no exception. One of the roles of parliament is to represent the electorate, and it can do so if it interacts with, and is accountable to them. The main mechanism of representation in a representative democracy is popular election, and that of accountability is consultation. Beyond elections, however, popular consultation, which is also an important element of Tswana culture, is another way through which leaders can represent the masses. One of the hallmarks of democracy is a strong and credible opposition that is able to provide an alternative to the ruling party, and hold the government in power accountable. As Osei-Hwedie (2001: 58) puts it: 'the opposition's role is to check and balance the operations of the ruling party, prevent abuses of power and ensure, inter alia, that the government does not neglect the public interest'. The opposite is largely true for much of Africa including Botswana, as the opposition fails to pose a serious challenge to the ruling party. This has contributed to a de facto one party dominant system within a multiparty framework in southern Africa as in Botswana, South Africa (only until 2001) and Namibia. The Botswana Democratic Party (BDP) has been the dominant party in Botswana since independence. Democratic governance also requires a neutral and independent judiciary to protect and reinforce the rights and freedoms of citizens, and contribute to the proper functioning of the system, especially to fight arbitrariness and corruption.

A well functioning democracy requires not only an effective parliament but also a vibrant civil society which can be an active lobbyist to ensure public responsibility and accountability (Gyimah-Boadi 1997). Nyang'oro (1999: 191) sees an active civil society as a good indicator of 'how open and pluralistic a political system is'. Civil society is defined as 'self-organized groups that are relatively autonomous of the state, capable of collective action to promote interests of their members in order to ensure a responsive and accountable government' (Nyang'oro 1997: 191). Similarly, Mittelman (1997: 238) argues that 'civic power is viewed as a means to limit state power, curbing abuses and corruption and ensuring accountability'. The importance of civil society to Africa's democracy lies in the need to balance state power as opposition parties have proved too weak and ineffective as watchdogs of ruling parties (Osei-Hwedie 2003). To Hout (2003), in addition to multi-party democracy and an active civil society, a pluralist press is a crucial ingredient of democratic governance. Both the public and private media is expected to check the government. A free media is particularly crucial in Botswana where the parliament, opposition and civil society do not effectively perform the oversight role over the executive. What is important is free, fair and equal access to information and use of the press for election campaigns by all political parties.

Thus, democratic governance is examined within the context of the parliamentary system and the Tswana traditional culture which has significantly influenced the practices of democracy in Botswana, both as a constraint (e.g acquiescence and deferment to elders) and facilitator (e.g consultation and non-violence). In our view, parliamentary oversight over the executive, especially the role of parliamentary opposition in holding the executive accountable, is the lynchpin of democratic governance to ensure that public policies reflect society's preferences. Therefore, weaknesses of civil society, especially associations, the media and constituencies, would not necessarily dilute the quality of democratic governance.

Botswana is categorized as a parliamentary democracy, however, it is not a pure parliamentary system but a mix of parliamentary and presidential elements 'in which the president occupies the dominant power position' (Holm 1996: 101). Shugart and Carey's (1992: 24) hybrid of president-parliamentary system captures all but one of the features of Botswana's system of government because its president is indirectly elected by parliament. Three other features of their hybrid capture the executive-legislature relationship in Botswana. These are: president appointing and dismissing cabinet ministers, subjection of ministers to parliamentary confidence, and president's power to dissolve the legislature. Parliament is constitutionally sovereign (van de Walle 2002: 69), and can pass a vote of no confidence against the cabinet, of which the president is part. A vote of no confidence has not yet happened in Botswana, except in 1995 when it failed to garner the required votes. In reality, the cabinet and bureaucracy also occupy stronger positions than parliament (Holm 1996, Wallis 1989). Being sovereign and the only directly elected institution, parliament in Botswana is expected to check the executive to ensure that it is accountable to the people (van de Walle 2002).

Botswana is Africa's most 'senior' and the longest surviving democracy in Africa since its independence in 1966. However, there are a number of limitations in the practice of this democracy. The flaws in Botswana's parliamentary democracy arise from a combination of a weak parliament, weak opposition, weak civic associations and a struggling media. These weaknesses limit effective checks and have not only contributed to, but also resulted in, the executive not being accountable to parliament. The main focus of our contribution is thus on the potential checks of government dominance: parliament, opposition, civil society, the media and the judiciary. We will show that in Botswana these institutions are not well equipped to hold government accountable. Our arguments are empirically supported by interviews with thirteen (a quarter) parliamentarians of both government (nine) and opposition (four) parties, and four civic organizations in Botswana. These are two human rights organizations, Emang Basadi, a women's organization, and Ditshwanelo, the Botswana Centre for Human Rights; and two workers' associations, the Botswana Unified Local Government Service Association (BULGSA) and the Botswana Diamond Sorters and Valuers Union (BDSVU).

### The role of parliament

Although law making is one of its functions, the Botswana parliament has been unable to initiate laws, instead it merely approves government legislation. Private members' bills have not been forthcoming since independence, except for one, several years back, primarily because the process of drafting legislation is dependent upon one person, the attorney general, who is also the government's lawyer (interview MPs 2004). This suggests that lack of legal skills for drafting legislation constrains their law making function. Similarly, in spite of being sovereign, parliament rarely challenges the government's budget in spite of lively debate and minor modifications by the backbench and opposition members. This, essentially, means that parliament rarely questions the executive on national issues. Holm (1996: 101) succinctly states that 'parliament finds itself confronted with a powerful president who supports and is supported by a ... civil service ... MPs have little option but to rubber stamp policies developed by the civil service'. The bureaucracy, through its advisory role to the executive and professional expertise and knowledge, dominates policy making in Botswana (Wallis 1989, Sharma 1998). Botswana's committee system remains weak and underdeveloped in spite of being the longest democracy in Africa. Although parliament boasts of three types of committees, namely sessional select, standing, and ad hoc, there are no portfolio and departmental committees that cover every aspect of the government operation and specialization as a means of making the executive accountable. Portfolio committees inquire and monitor ministries, and departmental committees oversee all government activities. Portfolio committees are important in so far as they may subject government action to strict inquisition and monitoring, as well as provide a forum for consultation with the public through public hearings, and access expertise of the private sector to allow popular influence on policy decisions (Phumaphi 1997). In addition, the fact that the committee system relies on the assistance of administrative officials from the Office of the President compromises its proper functioning in a democratic setting, and undermines the independence of parliament.

Parliamentarians, of both the ruling and opposition parties, pointed out specific weaknesses which prevent effective parliamentary control over the executive. These include the following: First, powerlessness of committees in that they cannot summon a minister to answer for his/her ministry's expenditure and cannot make a ruling on an issue, except recommend ameliorative measures. The executive (ministers) do not actually appear before the Public Accounts Committee (PAC), permanent secretaries (civil servants) account on their behalf. This means that politicians do not directly account to parliament. However, the PAC, in particular, has been instrumental in grilling permanent secretaries of respective ministries and making them answerable for their

respective ministerial expenditures. The findings of the PAC have prompted some ministries to impose disciplinary action against some permanent secretaries. This shows that parliament holds the executive accountable to it, through permanent secretaries. However, limited expertise, knowledge and information, and the growth in the power of the bureaucracy limits the effectiveness of the PAC to hold the bureaucracy accountable. For example, Sharma (1998: 112) points to the fact that 'most members of parliament are laymen and do not understand intricate budget details'. Indeed, MPs acknowledged their limited knowledge of the budget, and those who have served on the PAC admitted to the fact that only a few permanent secretaries have been disciplined as a result of the PAC's recommendations (interview MPs 2004). Second, the absence of portfolio committees forecloses societal input through public hearings, especially the private sector and civil society. This deprives parliament of valuable sources of information. Third, the existence of many committees overstretch the small number of members of parliament (MPs) giving them insufficient time to do their work thoroughly, for example, scrutinizing the budget or policy, as they are often preoccupied with committee work and caucus meetings.

### The opposition in Botswana

The opposition in Botswana has largely been constrained in performing the critical role of overseeing the ruling party. Apart from contributions to lively parliamentary debates, questioning of government performance, and introduction of motions to appoint commissions of inquiry to investigate public offices, it has largely remained weak and un-influential. Parliament has adequate mechanisms for probing the government's performance, however, the end result has been insignificant. For example, although most motions to appoint commissions of inquiry into executive action originate from opposition MPs, they (and parliament as a whole) have little authority to ensure implementation of recommendations of commissions by the executive - most recommendations remain on paper. Further, committees make the government account for its performance, the most active are the PAC (chaired by the Leader of the Opposition in the House), and Subsidiary Legislation, Government Assurances and Motions committee. MPs also utilize question time as each MP is allowed time to ask ministers questions (interview Chief Whip and Leader of the Opposition in the House 2004). Opposition MPs, however, lamented the fact that the speaker does not give them equal chance to present their views even when opposition members ask to do so (interview opposition MPs 2004).

Taylor (2003: 74) presents the United Nations Economic Commission for Africa (UNECA) data which shows that '50 percent of respondents in Botswana thought that the opposition in parliament was weak in its influence on government policy, programmes and/or legislation, and 16 percent claiming that the opposition had no influence ... it is the BDP backbenchers who criticize the cabinet as there is no opposition in parliament'. Only 3 per cent thought that the parliamentary opposition was strong, an indictment of its irrelevance. The Leader of the Opposition in the House conceded that the opposition had little impact in parliament because of the small number of opposition MPs which constrains its ability to pass motions unless they are supported by MPs from the ruling party. However, parliamentary party caucus meetings ensure that MPs vote on party lines, reducing the possibility of inter-party vote. He blamed the weakness of the opposition on a combination of the electoral system (the winner takes all), lack of public funding for political parties and inadequate public media coverage of opposition activities (interview Leader of the Opposition in the House 2004).

In spite of a liberal democratic framework in which there is a highly developed culture of tolerance by African standards, the opposition has failed to seize this rare opportunity to build their support and improve their chances to take over government. The opposition is faced with a number of weaknesses and problems. It is unable to offer credible policies to challenge those of the ruling party due to poor leadership. However, the Leader of the Opposition in the House was quick to attribute the opposition's inability to present alternative policies to the fact that information is not provided before tabling bills, budget or presidential address to allow the opposition sufficient time to prepare their policy position (interview Leader of the Opposition in the House 2004). Factionalism and fragmentation have resulted in intra-party feuds causing splits and formation of new parties, and inter-party rivalry (Osei-Hwedie 2001). These have contributed to poor electoral performance, unworkable alliances and splitting of the votes as well as helped the BDP secure landslide victories in every election since independence (Table 1). The Botswana National Front (BNF) has suffered the most from splits, prior to and after almost every general election. To date, eight splinter parties have been created from the BNF, with the New Democratic Front (NDF) as the most recent to be formed in 2003.

Table 1: Percentage of seats and votes won by parties in elections in Botswana, 1965-2004

Party	1965		1969		1974		1979		1984		1989		1994		1999		2004	
	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)	Seats	Votes (%)
BDP	99	80	77	68	84	77	91	75	82	68	91	65	67	55	83	54	77	53
BNF			10	14	7	12	6	13	15	20	9	27	33	37	15	25	21	23
BPP	0	14	10	12	7	6	3	8	3	7	0	4	0	4				
BIP	0	5	3	6	2	4	0	4	0	3	0	2	0	4				
BAM															0	5	0	
BCP															2	11	2	18
NDF																0		1
OTHER	1	1	0	0	0	1	0	0	0	2	0	2	0	0	0	5	0	5
TOTAL	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Source: Adapted from Molomo, M. (2003): Political Parties and Democratic Governance in Botswana: 299; IEC: Elections 2004, [www.iec.gov.bw](http://www.iec.gov.bw).

Attempts to form electoral alliances to boost the chances of winning elections have not been very successful, except in 2004 with some modest gain, especially, by the BNF. The creation of the Botswana People's Progressive Front (BPPF) by the BNF, Botswana People's Party (BPP) and Botswana Progressive Union (BPU) to contest the 1994 elections as a combined force against the BDP proved unworkable. Similarly, the United Democratic Front, composed of the Social Democratic Party (SDP), Botswana Workers' Front (BWF) and Marx, Engels, Leninist and Stalinist (MELS), as a common front against both the BDP and BNF in the 1994 elections failed to win any seats in parliament. For the 1999 elections, Botswana Alliance Movement (BAM), made up of five political parties, the BNF, BPP, BPU, Independence Freedom Party (IFP) and United Action Party (UAP), did not present a credible challenge to the BDP (Osei-Hwedie 2001). The BNF pulled out of BAM before the 1999 elections and the BPP did so thereafter. The Pact, an electoral alliance of the BNF, BAM and BPP, enabled the BNF to win 12 seats in parliament in the 2004 elections, but failed to pose as a serious contender to the BDP. The BCP stayed out of the Pact.

The first past the post (FPTP) electoral system and absence of public funding further undermine the opposition as there is no equal party competition for political office. While the FPTP advantages constituency representation, it disadvantages party representation especially for small, opposition parties because of distortion of distribution of seats in parliament, as allocation of seats is not congruent to votes received by parties (Jackson and Jackson 1997). The ruling BDP has profited enormously from this electoral system allowing it to win the majority of seats in all elections, while the opposition lose out on account of low votes and because of divided votes. Thus, the electoral system raises questions of fairness. Elklit and Reynolds (2002: 104) concluded that 'the electoral system over-represents the governing BDP, under-represents the fragmented opposition and fails to provide the space needed for new parties to insert themselves into the political discourse'. For example, in the 2004 elections, the BNF got 12 seats in parliament for the 23 per cent of the votes it received and the BCP secured only one for the 18 per cent of the votes cast in its favour, while the BDP's 53 per cent of votes cast earned it 44 seats (IEC 2004; Table 1). The wide discrepancy between seats and votes might explain why opposition parties in Botswana have been vocal in calling for a change to proportional electoral system to augment their parliamentary seats. However, currently the ruling BDP is not receptive to the idea as it has largely benefited from the FPTP. Besides, electoral reform alone might not solve the problems of the opposition parties. The marginalization of the opposition as a result of the FPTP further discourages voters from supporting them and contributes to increase in apathy because electoral outcomes always guarantee the victory of the incumbent party.

Inadequate resources and organizational incapacity mean that the opposition is unable to establish branches, nominate candidates for every constituency and advertise itself to, or mobilize, the public (Osei-Hwedie 2001). Lack of visibility by the opposition is primarily due to absence of public party funding and inability to source from private financiers (Sebudubudu 2003, Taylor 2003). Yet public financing is critical to 'even the playing field ... ensure that candidates, especially challengers have sufficient resources to run viable campaigns ...' (USAID 2003: 17). The BDP is well resourced with access to both internal and external sources of funding, enjoys visibility during campaigns with huge advertisements and billboards, and has the advantages of incumbency which no opposition party can claim (Osei-Hwedie 2001, Molomo 2003, Taylor 2003). Similarly, the ability of the BDP to manage its own factionalism through negotiation and compromise has prevented splits and helped it to retain public support. The dominance of the BDP is further boosted through the President's election of four specially elected members of parliament from his party, and the Local Government minister's nomination of councilors to the elected district and local councils that ensures that these councils comply with the BDP's goals and policies. The opposition also suffers from electoral weaknesses because of their narrow, regional support, drawn from minority non-Tswana ethnic groups, while the ruling party enjoys wider support from the majority Tswana tribes and rural areas where the largest number of constituencies are found. The north-west is the stronghold for the BIP with the support of the Bayei, the north-east for the BPP among the Bakalanga, and the south for the BNF with Bakgatla support. The BNF has strong support in urban areas. The UAP draws support from the south as well. In addition, weak electoral support accounts for the poor performance of the opposition. The combined electoral strength of all opposition parties is insufficient to dislodge the BDP from power or increase their parliamentary seats at the expense of the ruling BDP. The combined total percentage of votes for the opposition has so far not exceeded that of the BDP in all the successive general elections (see Table 1). For example, in the 2004 elections,

the BDP polled 53 per cent of the vote while the Pact, specifically the BNF, BCP and NDF secured 23, 18 and 1 per cent, respectively (IEC 2004). This puts the opposition vote at 42 per cent, 11 per cent below that of the BDP.

## The role of parliament within society

### Parliamentarians and their constituencies

The increase in the number of representatives overtime from 31 in 1965 to 57 currently suggests a deliberate attempt to broaden representation of the populace in parliament. MPs asserted that they 'consult' with respective constituencies to get their views and inputs before each plenary session of parliament every year and 'report' back (accountability) to the constituency about what transpired in parliament at the end of the parliamentary sitting, or at weekends for those MPs whose constituencies are near the capital city, Gaborone (interview MPs 2004). Similarly, a two-way communication is also the basis of liberal democracy, education and mobilization that allows society to 'input' its will, demands, needs and problems to parliament to influence as well as support legislation and policy decisions of the executive. This helps parliament to hold the executive and bureaucracy accountable to it and to the people. However, whereas there is intense mass participation during election campaigns and voting, this is not the case in between elections. More important, contrary to MPs' assertions, the findings of the Afro-Democracy Barometer Project on the question of institutional support and trust - how people perceive the performance of institutions - shows that 44 per cent of Botswana respondents trusted the institution of the president to perform rightly in 2003, the same number as in 1999; 27 per cent for parliament in 2003, a decline from 46 per cent in 1999; 53 per cent for the ruling BDP, and 15 per cent for opposition parties (Molomo et al 2003: 25). Before general elections in 2004, potential voters remained undecided primarily because they perceived MPs as representing their selfish interest at the expense of the people (Mmegi newspaper 2004). People's negative perception hits at the essence of the most sovereign institution of the country, its representative and oversight role. Indeed, in an effort to boost its image, parliament launched an educational tour called 'taking parliament to the people' in 2004 to explain its role and responsibilities (interview MPs 2004). Whereas in well-established democracies there is an array of structures and channels at the disposal of parliamentarians, in Botswana, the kgotla and constituency offices are the two most important structures. These are used to disseminate parliament's activities through public meetings, called by chiefs (dikgosi). The kgotla, a traditional institution, complements modern democracy in Botswana very well with its openness and democratic customs. As a community institution, the kgotla performs political, administrative and judicial functions. Traditionally, the kgotla has been a meeting place of tribesmen and women for the purpose of discussing tribal affairs and developmental issues. Since independence, the kgotla has been used by ministers, civil servants, MPs and councilors, to explain government policies and programmes to a public meeting and to solicit public views and support (Lekorwe 1989). More important, parliamentarians use the kgotla as a means to explain to people the roles and responsibilities of parliament, government policies, and to solicit people's views and mobilize their participation in national politics. The usual practice is for an MP to address a series of kgotla meetings in villages falling within his/her constituency, when parliament is in recess, prior to resumption of the plenary session of parliament. This literally precludes other MPs from addressing kgotla meetings except with the permission of the incumbent MP (interview MPs 2004). However, it is the ministers who use the kgotla frequently as they are the policy initiators. However, the kgotla as a means of public-parliament interaction suffers from many deficiencies, which reduce its effectiveness as a two-way communication structure. Problems include dwindling attendance, failure to listen to community's views and respond to people's complaints, the predominance of males as speakers at kgotla meetings and the silence of females or more appropriately the reluctance by women to participate, and actively centralized decision making (Lekorwe 1989). Since most decisions are taken in the capital, societal input has no or little influence on the final decision, which, in effect, might not reflect people's needs. Molomo (2003) attributes the limitations of the kgotla as a public forum for consultation to accusations by the opposition that it is monopolized by the ruling BDP and that it disallows criticisms of government programmes. One opposition MP pointed to the kgotla tradition of male dominance as the major drawback as it makes women and children uncomfortable during meetings (interview MP 2004). One opposition MP pointed to tradition of males as leaders. Constituency offices, although still quite recent, could provide for a good communication structure for they allow constant engagement with the public. Unfortunately, their effectiveness is limited due to budget allocation and lack of adequate equipment and well-resourced support staff to assist parliamentarians fulfill their political and decision making roles. There is no specific budget for constituency offices as they fall under the budget for parliament. Moreover, where administrative officers are recruited on patronage (which is the general recruitment criteria) rather than merit, they are of little support to MPs' functions (interview MPs 2004).

### The relationship between parliament and civil society

Civil society in Botswana is regarded as either weak with limited public influence (Molomo 2003, Taylor 2003, Sebudubudu and Osei-Hwedie 2005) or strong with a considerable impact on policy making through 'open

discussions in each other's presence' encouraged by the Tswana political culture (Maundeni 2004). Both viewpoints accurately depict the situation of civil society. The empirical analysis of four associations namely Emang Basadi, Ditshwanelo, BULGSA and BDSVU leads us to argue that civil society's influence on government and politicians is limited and disjointed, and thus ineffective overall. Molomo (2003: 311), paraphrasing Molutsi and Holm (1990), states 'civil society in Botswana is still in its formative stages and not yet in a position to discharge its mandate effectively'.

Indeed, unlike in Western democracies where there is relatively a close collaboration and even an electoral alliance between interest groups and political parties, the same is not true in Botswana. Holm (1996: 102) concludes that 'no interest group in Botswana endorses candidates, or, except in one case, attempts to mobilize election contributions'. Civil society-parliamentarians relationship is almost absent by virtue of the fact that elections and representation are largely determined by 'ethnic loyalties' rather than 'issues, government performance or even personality of the candidates' (Holm 1996: 102). Thus, MPs are not dependent on the support of associations to succeed in parliamentary elections. This means that interest groups, because they are issue oriented, for example human rights, have little leverage over parliamentarians. Interest groups in Botswana concede that they avoid clear cut alignment or identification with particular political parties. The norm is for an interest group to adopt a non-partisan stance by appealing to all political parties (interview BULGSA, BDSVU, Emang Basadi 2004). Similarly, all MPs conceded that they do not represent a specific interest group (interview MPs 2004).

However, there are some groups which have produced positive results in promoting their interests. Emang Basadi has emerged as the most vocal and active, and one that has exerted the most pressure on the government and political parties. Through the Women's Manifesto of 1994; political education; and campaigns via networking with other associations, especially, the labour movement and women's wings of political parties; and sensitization seminars (Selolwane 1998), Emang Basadi has tried to mobilize support for the women's cause with mixed results. Appointments of women to decision making positions and election to parliament bear testimony of some tangible results of their lobbying efforts. However, the fact that Emang Basadi admitted that it rarely interacts with MPs suggests a not so easy lobbying effort as most MPs are viewed as beyond approach and unwilling to articulate women's issues, partly because of patriarchy and desire to refrain from being associated with a particular interest (interview Emang Basadi 2004). Indeed, Botswana's inability to meet the 30 percent SADC requirement of women in political and decision making positions by 2005 is a further testimony of the limited achievements by Emang Basadi. Currently, women make up 14 percent of MPs with 4 elected and 3 specially elected in Botswana's 61 member national assembly, and 25 percent of cabinet ministers, 5 of 20.

Ditshwanelo has been in the fore front in the fight for human rights, especially those of minorities like the San in the Central Kalahari Game Reserve (CKGR), and has tried to influence policy makers, especially, with shaping various parts of the bill on domestic violence against women. Ditshwanelo and Emang Basadi believe that without their efforts human rights would be ignored by the government (interview Ditshwanelo and Emang Basadi 2004). Unity Dow's (a Motswana woman married to a foreign national) success in the High Court prompted parliament to adopt and pass the Citizenship Amendment Bill in 1995 to remove all gender biases, and paved the way for Botswana women to confer their citizenship on the children. The legal victory of Unity Dow against the state was a testimony to networking and alliances among women's organizations, and upholding of the rule of law, and respect for human rights. Unlike Ditshwanelo and Emang Basadi, the two workers' associations, BULGSA and BDSVU, do not engage parliamentarians on labour issues but invite them to officiate at annual conferences. They instead discuss labour matters with employers, who in turn brief the cabinet on what should be done (interview BULGSA, BDSVU 2004).

Civic groups face obstacles in trying to appeal to political parties and MPs including party loyalty and resources. Holm (1996: 106-7) identifies resource constraints, primarily inadequate trained staff and money, inadequate communication and irregular access to politicians and 'the narrow Tswana view of politics' as the main reasons for the inactivity and limited influence of civic groups on government policies or politicians. Taylor (2003: 79) attributes the weakness of civil society to a combination of 'political and economic stability ... lack of meaningful struggle for independence ... absence of a tradition of questioning ... culture of acquiescence ... circumscribed'. While none of Taylor's (2003) explanations apply to our four civic organizations, Holm's (1996) are nearer to reality. Ditshwanelo identified financial constraints, especially decline in donor assistance which would affect recruitment and retention of personnel, and payment of rent for offices, and inaccessible MPs as major obstacles to its lobbying efforts. Emang Basadi also bemoaned the fact that MPs are not 'approachable' and fail to see civil society as 'partners' in the decision making process (interview Ditshwanelo and Emang Basadi 2004). The two workers' associations' access to cabinet and desire to avoid party politics spilling into labour matters are the main reasons of their limited interaction with parliament (interview BULGSA and BDSVU 2004). It is also plausible that other factors, which affect operations of non-governmental organizations (NGOs) in other parts of Africa, like lack of intra-democracy and autonomy, cleavages, and powerful executive (Gyimah-Boadi 1997), equally apply to Botswana.

Party loyalty has also compromised efforts of organizations such as Emang Basadi because of different party membership of women. Similarly, donor funding, which boosted these groups' activities, has since dwindled threatening their proper functioning, and the government does not readily assist all associations. Similarly, the influence of the two organizations depends on the willingness of politicians to listen or attend workshops and

seminars, and read pamphlets, yet politicians are not compelled to attend any activity sponsored by any association. Consequently, personal contacts of leaders of these organizations are vital to their success. The absence of formal communication procedure for civil society-parliament engagement hampers their influence (interview Ditshwanelo 2004). While money and access are important, it is equally true that the loss of quality leadership to government has negatively impacted on groups like Emang Basadi, and traditional culture makes it difficult for them to promote rights of minorities and women. Further, the mutual suspicion that exists between politicians and labour in Botswana, and elsewhere in Africa, limits the role of BULGSA and BDSVU (interview BULGSA and BDSVU 2004).

### The judiciary

In general, the judiciary has been able to uphold its autonomy from the executive by protecting the rights of citizens, for example the Unity Dow case against the government discussed above or the adjudication of electoral disputes with no complaints from the opposition. However, whereas the government's treatment of the indigenous people, the Basarwa, gives the impression of mistreatment, and attracted international controversy and negative campaigns by Survival International against the Botswana government (Taylor 2003, Molomo 2003), Botswana remains one of the few countries in Africa where the rule of law is largely upheld and there is respect for citizens' rights and freedoms. The use of the courts by the Basarwa to challenge their removal from the CKGR gives an indication of a well- functioning legal system ready to protect rights and freedoms of citizens. Similarly, the government is a signatory to international human rights conventions, which in some cases it has not completely adhered to, especially with respect to minority rights.

Van de Walle (2002: 69) extols the 'prosecution of high level corruption which resulted in the resignation of the sitting vice president and presidential heir apparent in 1992', which to him reflects a 'genuinely democratic system'. The prosecutions arose from illegal land allocations in Mogoditshane in 1992, and the illegal allocations of BHC houses in 1993 in which three officials resigned. However, revelations of alleged improper land allocations in Gaborone in 2004, which implicated senior government and party officials, have not yet resulted in discipline for abuse of office. The government is renowned for setting up commissions of inquiry into official wrong-doing without effective implementation of the findings and recommendations in the form of prosecution or sacking. The Directorate on Corruption and Economic Crimes has found it difficult to prosecute top officials for abuse of office primarily because of problems of garnering sufficient evidence. Elklit and Reynolds (2002: 104) praise the judiciary when they state succinctly that 'Botswana is notable for actually putting into practice and accepting judicial review of election disputes'. These show that the judiciary is indeed efficient in handling of cases brought before it.

### The media

The watchdog role of the media has been largely determined by the nature of their operations and government regulations. The private media, both radio and newspaper, remains small, but vibrant, limited to urban areas and use of the English language, leaving the large rural population in abeyance. The public media, Radio Botswana that extends to outlying areas, Daily News which is free and Botswana Television (BTV) have a better reach of the public but are government owned and controlled. This means the opposition has no or little influence over them (Taylor 2003), hence the allegations that they are pro-government and biased against the opposition. Some of the private media have shown some autonomy in the coverage of issues or stories to oversee the government. The most visible and celebrated role of the private media has been criticisms against government policies and performance, reminding the government of its responsibility to the public, addressing sensitive issues like minority rights, covering election campaigns of the opposition, and exposure of corruption including the illegal land allocations in Mogoditshane, illegal BHC house allocations and improper land allocations in Gaborone cited above. However, the role of the media is restricted by a number of laws including the National Security Act of 1986 and the Penal Code (Taylor 2003), which are designed to secure national peace and stability. The government retains control over content of materials covered by the media either through censorship or threats to withdraw its advertisements from, or sue, the private press. It would be an exaggeration not to mention the government's flexibility when faced with resistance or protests. A case in point is the withdrawal of the Media Bill which was shelved after it failed to pass through parliament as it was deemed to be detrimental to media freedom. Protests by the Media Institute of Southern Africa - Botswana Chapter in 2001 contributed in part to its withdrawal (Maundeni 2004). Instead, consultation between the government and the media is expected to produce a mutually acceptable media bill in the future. Similarly, while the government has been accused of monopolizing the public media for election campaigns at the expense of the opposition in the past, it was more accommodating during the 2004 election to pre-empt criticisms by the opposition. The Daily News, Radio Botswana and BTV covered election campaigns of opposition parties as well, though not as equal to the coverage given to the ruling BDP. This again raises questions of fairness and equal party competition, critical to democratic governance. However, it might suggest willingness by the government to grant leverage to the public media.



## The state of democratic governance in Botswana

The BDP's good management of the economy is acclaimed within the country and beyond because of high growth rates and public expenditure on social services like water and health clinics throughout the country. These, together with low levels of corruption by African standards, have earned Botswana the label of democratic governance. Holm (1996: 105) maintains that 'the success of the government's development plans and the positive impact of social and welfare programmes make the BDP a formidable electoral challenge'. Further, the fact that opposition supporters also benefit from the ruling BDP's policies and programmes makes it hard for the opposition to mount credible criticisms of public policies (Osei-Hwedie 2001). Similarly, Botswana's responsible leadership has been shown in its HIV/AIDS prevention and care programmes. Not only has the political elite shown commitment but they have allocated substantial resources to the fight against HIV/AIDS. This has been emulated by the private sector and attracted international support from both donors and multinational corporations like Merck, and Bill and Melinda Gates Foundation.

However, impressive growth rates and social services, notwithstanding, a large number of people remain poor and income inequality continues to rise (Taylor 2003). Although the number of people living in poverty has been reduced from 59 per cent in 1986 to 47 per cent in 1994, 36 percent in 2001 to 30 percent in 2003, it still remains high for a country that is rich in diamonds and occupies a middle income country status. Similarly, unemployment has risen from 21 percent of the labour force in 2001 to 24 percent in 2003 (Central Statistics Office 2004), too high for a well to do country, and reflects problems with diversification of the economy. This calls into question the claims of Botswana as a model of democratic governance, especially, parliament's and parliamentary opposition's inability to ensure that executive policies are biased towards the welfare of the majority.

Botswana is the longest, stable parliamentary democracy in sub-Saharan Africa. However, its mixed record of democratic governance suggests that there are limitations and room for improvement. Weak oversight by parliament and parliamentary opposition seriously challenges the democratic process. In addition, weak civil society and an inefficient media have left more room to manoeuvre without much oversight over the executive. Fortunately, the executive has managed to promote democratic governance to some extent, especially, with regard to respect for the rule of law, tolerance of associations and political parties, and promotion of economic growth as well as the provision of social services. However, lack of serious opposition challenge to the ruling party and the predominance of the BDP suggest a not so efficient multiparty democracy. A weak civil society and a struggling media also indicate that some, not necessarily core, elements of democratic governance are lacking. This leaves the judiciary as the last stand to protect rights and freedoms of citizens, and check government arbitrariness and corruption. In the light of the above pitfalls, Botswana's parliamentary democracy seems to be overrated, especially when compared to emergent multi-party systems in the southern African region.

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## **Zusammenfassung**

Botswanas Mehrparteien Demokratie wurde von Experten (im In- und Ausland) oftmals als glänzendes Beispiel für eine funktionierende Demokratie in Afrika dargestellt, und doch zeigen sich eine Reihe Fallstricke, wenn man diese afrikanische Modelldemokratie genauer untersucht. Auch wenn die Autoren würdigen, was in Botswana bisher erreicht wurde, weichen sie von dem allgemeinen Trend ab, Botswanas Demokratie zu romantisieren. Sie bemühen sich, die entscheidenden Fallstricke des politischen Systems zu identifizieren, und legen dar, dass noch einiges getan werden muss, um die Qualität der Regierungsführung in Botswana zu verbessern. Angesichts der Bedeutung von guter Regierungsführung und im Lichte der neu entstehenden parlamentarischen Demokratien in Afrika und anderswo müsse Botswanas Demokratie neu eingeschätzt werden. Ein demokratisches System braucht tief verankerte, funktionierende Kontrollmechanismen, doch im Fall Botswana sind genau diese ineffizient.

## **Schlüsselwörter**

*Botswana, politisches System, Demokratie, gute Regierungsführung, Gewaltenteilung, Parlament, Mehrparteiensystem, Opposition, Zivilgesellschaft, politische Kultur*

inter alias

## **Résumé**

La démocratie multipartite du Botswana a souvent été présentée par les experts (nationaux et étrangers) comme le splendide exemple d'une démocratie fonctionnant en Afrique. Pourtant en se penchant plus attentivement sur cette démocratie modèle africaine, on y découvre de nombreux problèmes. Même si tout ce que le Botswana a atteint jusqu'à présent est apprécié dans cet article à sa juste valeur, il est tenté ici de corriger la tendance générale à 'romantiser' la démocratie du Botswana. L'auteur essaie d'identifier les principaux problèmes auxquels la démocratie du Botswana se trouve confrontée. Il est ainsi montré que beaucoup restent à faire pour améliorer la qualité de la gouvernance au Botswana. La démocratie du Botswana doit être réévaluée à l'aune de l'importance prise par la bonne gouvernance et de l'apparition de nouvelles démocraties parlementaires en Afrique et ailleurs. Une démocratie qui dispose de bons mécanismes de contrôle est plus fortement enracinée. Or c'est justement ceux-ci qui sont inefficaces au Botswana.

## **Mots clés**

*Botswana, système politique, démocratie, bonne gouvernance, séparation des pouvoirs, parlement, multipartisme, opposition, société civile, culture politique*

## **Abstract:**

Botswana's multiparty democracy has been portrayed by various scholars (within and beyond) as a shining example of a living democracy in Africa, yet it has a number of pitfalls that make one to interrogate this African model of a democracy. Although this article appreciates what Botswana has achieved so far, it seeks to deviate from the general trend that romanticizes Botswana's democracy. It attempts to identify some of the major pitfalls Botswana's democracy is faced with. It argues that a lot remains to be done to improve the quality of Botswana's governance. Its democracy needs to be reassessed in the light of the need for good governance and emerging parliamentary democracies in Africa and beyond. This is because democracy has more meaning when there are checks and balances in place, but in Botswana these are ineffective.

## **Keywords**

*Botswana, political systems, democracy, good governance, separation of powers, parliaments, multiparty systems, opposition, civil society, political culture*